

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TEXAS**  
**TYLER DIVISION**

**STRAGENT, LLC,**

**Plaintiff,**

**v.**

**HUAWEI TECHNOLOGIES CO.,  
LTD., AND FUTUREWEI  
TECHNOLOGIES, INC. DBA  
HUAWEI TECHNOLOGIES (USA),**

**Defendants.**

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**Civil Action No. 6:10-CV-77**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Plaintiff Stragent, LLC (“Stragent”) complains against Defendants Huawei Technologies Co., Ltd. (“Huawei”) and Futurewei Technologies, Inc. dba Huawei Technologies (USA) (“Futurewei”), as follows:

**PARTIES**

1. Plaintiff Stragent is a Texas limited liability company having its principal place of business in Longview, Texas.
2. Upon information and belief, Defendant Huawei is a Chinese corporation having its principal place of business in Shenzhen, China.
3. Upon information and belief, Defendant Futurewei is a Texas corporation having its principal place of business in Plano, Texas.
4. Upon information and belief, Defendant Futurewei is a wholly owned subsidiary of Defendant Huawei.

### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Defendants have transacted business in this district and have committed and/or induced and/or contributed to acts of patent infringement in this district, directly or through intermediaries. On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

7. Venue is proper is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b).

### **PATENT INFRINGEMENT**

8. Stragent is the owner by assignment of United States Patent No. 7,095,753 ("the '753 patent") entitled "Digital Network Processor-Based Multi-Protocol Flow Control." The '753 patent was duly and legally issued on August 22, 2006. A true and correct copy of the '753 patent is attached as Exhibit A.

9. On information and belief, Defendants have been and now are directly infringing, and/or inducing infringement by others, and/or contributing to the infringement of others of the '753 patent in the State of Texas, in this judicial district, and elsewhere in the United States. Defendants' infringement includes, among other things, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, microprocessors,

including without limitation Huawei Quidway Router products. Defendants are thus liable for infringement of the '753 patent pursuant to 35 U.S.C. § 271.

10. As a result of Defendants' infringement of the '753 patent, Stragent has suffered monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

### **PRAYER FOR RELIEF**

WHEREFORE, Stragent requests that this Court enter:

1. A judgment in favor of Stragent that Defendants have directly infringed, induced others to infringe, and/or contributed to others' infringement of the '753 patent;
2. A judgment and order requiring Defendants to pay Stragent its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '753 patent as provided under 35 U.S.C. § 284; and
3. Any and all other relief to which the Court may deem Stragent entitled.

### **DEMAND FOR JURY TRIAL**

Stragent, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Albritton", written over a horizontal line.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 8th day of March 2010.

A handwritten signature in black ink, appearing to read "Eric M. Albritton". The signature is fluid and cursive, with a large initial "E" and "A".

Eric M. Albritton